

R430-70-2: DEFINITIONS.

- (1) **"Accredited College"** means a college accredited by an agency recognized by the United States Department of Education as a valid accrediting agency.

Rationale / Explanation

College coursework or degrees used by individuals to meet director qualifications must be from an accredited college. One easy way to determine if a college is accredited by an approved accrediting agency is if students at the college are eligible for federal financial aide. For information on accrediting agencies recognized by the U.S. Department of Education, see: <http://ope.ed.gov/accreditation/>

- (2) **"ASTM"** means American Society for Testing and Materials.

Rationale / Explanation

The ASTM tests cushioning materials used under playground equipment to ensure they provide adequate cushioning to prevent life-threatening injuries in case a child falls from the equipment.

- (3) **"Body Fluids"** means blood, urine, feces, vomit, mucous, and saliva.

Rationale / Explanation

Body fluids can spread disease. For this reason there are rules related to the proper handling of body fluids.

- (4) **"Caregiver"** means an employee or volunteer who provides direct care to children.

Rationale / Explanation

Licensing rules specify criteria for caregivers, including, age, training, and background clearances. Licensing rules also specify various duties caregivers must perform.

- (5) **"CPSC"** means the Consumer Product Safety Commission.

Rationale / Explanation

The CPSC establishes safety standards for consumer products, including playgrounds, playground equipment, and cushioning materials.

- (6) **"Department"** means the Utah Department of Health.

Rationale / Explanation

The Utah Department of Health has the legal responsibility for regulating child care providers, as outlined in Utah Code, Chapter 26, Title 39.

- (7) **"Designated Play Surface"** means a flat surface on a piece of stationary play equipment that a child could stand, walk, sit, or climb on, and is at least 2" by 2" in size.

Rationale / Explanation

The height of a designated play surface on a piece of play equipment determines how much protective cushioning is required in the use zone under and around the equipment.

- (8) **"Direct Supervision"** means the caregiver must be able to hear all of the children and must be near enough to intervene when necessary.

Rationale / Explanation

Children in care must always be under the direct supervision of a caregiver. If there is no caregiver in the room,

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the door to that room must remain open and a provider must be close enough to hear the children in that room and to intervene when necessary.

- (9) **"Emotional Abuse"** means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.

Rationale / Explanation

Emotional abuse is prohibited in child care programs, including when disciplining children.

- (10) **"Group"** means the children assigned to one or two caregivers, occupying an individual classroom or an area defined by furniture or another partition within a room.

- (11) **"Health Care Provider"** means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.

- (12) **"Inaccessible to Children"** means either locked, such as in a locked room, cupboard or drawer, or with a child safety lock, or in a location that a child can not get to.

Rationale / Explanation

In order for a room or area to be considered locked, it must be secured with a lock that is on the side of the children and the lock required a key or combination to unlock it or the lock is at least 60" high. In order for a room or area to be considered inaccessible, it must be secured with a device that is specifically manufactured as a child safety device.

In order for a cupboard or drawer to be considered locked, it must be secured with a lock that requires a key or combination to unlock it. In order for a cupboard or drawer to be considered inaccessible it must be secured with a device that is specifically manufactured as a child safety device.

In order for an item to be in a location where a child can not get to, the item needs to be on a shelf or in a cupboard higher than 48 inches.

- (13) **"Infectious Disease"** means an illness that is capable of being spread from one person to another.

- (14) **"Licensee"** means the legally responsible person or persons holding a valid Department of Health child care license.

Rationale / Explanation

The licensee is ultimately responsible for all aspects of the program's operation and for the program's compliance with the licensing rules.

- (15) **"Over-the-Counter Medication"** means medication that can be purchased without a written prescription from a health care provider. This includes herbal remedies.

Rationale / Explanation

Over-the-counter medications do not include topical antiseptic from a first aid kit, sunscreen, lotion, eye drops, or glucose tablets, unless any of these are prescription strength.

- (16) **"Parent"** means the parent or legal guardian of a child in care.

- (17) **"Person"** means an individual or a business entity.

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(18) **"Physical Abuse"** means causing non-accidental physical harm to a child.

Rationale / Explanation

Physical abuse is prohibited in child care programs, including when disciplining children.

(19) **"Play Equipment Platform"** means a flat surface on a piece of stationary play equipment intended for more than one user to stand on, and upon which the users can move freely.

Rationale / Explanation

The height of a play equipment platform determines whether or not it requires a protective barrier to keep children from falling.

(20) **"Protective Barrier"** means an enclosing structure such as bars, lattice, or a solid panel, around an elevated play equipment platform that is intended to prevent a child from either accidentally or deliberately passing through the barrier.

Rationale / Explanation

Protective barriers are required on play equipment, if one or more platforms on the equipment reach a certain height, in order to prevent falls from the platform.

(21) **"Protective cushioning"** means cushioning material that meets American Society for Testing and Materials Specification F 1292. For example, sand, pea gravel, engineered wood fibers, shredded tires, or unitary cushioning material, such as rubber mats or poured rubber-like material.

Rationale / Explanation

Protective cushioning is required under stationary play equipment.

(22) **"Provider"** means the licensee or a staff member to whom the licensee has delegated a duty under this rule.

(23) **"Sanitize"** means to remove soil and small amounts of certain bacteria from a surface or object with a chemical agent.

Rationale / Explanation

Sanitizing is used to remove disease-spreading germs from surfaces. This procedure is less rigorous than disinfecting, and is used for food preparation and removing germs from items that may be put in a child's mouth. For a surface to be considered sanitary, the number of germs must be reduced to such a level that transmitting a disease by that surface is unlikely. Sanitizers should not be sprayed when children are near enough to inhale the sanitizer.

One easy way to remember the difference between disinfecting and sanitizing is: "S" is for Sanitizing and Snack (food service), and "D" is for Disinfecting and Diapering (body fluids).

Surfaces must be clean before they are sanitized, because surfaces cannot be effectively sanitized unless they are first clean. An effective sanitizing solution can be made by mixing ½ tablespoon of liquid chlorine bleach in 1 gallon of water, or ½ scant teaspoon of bleach in 1 quart of water, and allowing it to sit on the surface to be sanitized for 2 minutes before rinsing or wiping. CFOC, 3rd Ed. Appendix J.

Bleach water solution loses its strength and is weakened by heat and sunlight. For maximum effectiveness a

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fresh bleach water mix should be made every day, and any leftover bleach water solution discarded at the end of the day. CFOC, 3rd Ed. Appendix J.

If used as specified by the manufacturer, any product that has manufacturer instructions for how to use it as a sanitizer will be accepted as a sanitizing solution.

If bleach water is used to sanitize, a fresh solution must be made at least every 24 hours and be left on the surface to be sanitized for at least two minutes. According to the manufacturer, after 24 hours the bleach mixture loses its ability to sanitize. However, bleach water may be kept longer than 24 hours if the provider tests the sanitizer with a test strip and the test strip indicates the bleach water registers at least 50 parts per million on the strip.

If operated according to the manufacturer's instructions, a steam cleaner may be used to meet the requirement for cleaning and sanitizing.

(24) "Sexual Abuse" means abuse as defined in Utah Code, Section 76-5-404.1.(2).

(25) "Sexually Explicit Material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).

(26) "Stationary Play Equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when children use it. Stationary play equipment does not include:

- (a) a sandbox;**
- (b) a stationary circular tricycle;**
- (c) a sensory table; or**
- (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.**

Rationale / Explanation

Stationary play equipment must have clear use zones and correct amount of protective cushioning under and around it, depending on the height of the equipment.

(27) "Use Zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

Rationale / Explanation

The use zone is the area under and around a piece of stationary play equipment where protective cushioning is required. It is also the area above a piece of stationary play equipment and cannot contain items such as tree branches and wires.

(28) "Volunteer" means a person who provides care to a child but does not receive direct or indirect compensation for doing so.